

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 440

Introduced by Preister, 5; White, 8;

Read first time January 16, 2007

Committee: Education

A BILL

1 FOR AN ACT relating to schools; to amend sections 79-4,117,
2 79-4,121, 79-4,122, 79-4,123, 79-4,125, 79-4,126,
3 and 79-4,128, Revised Statutes Cumulative Supplement,
4 2006, and section 79-102, Revised Statutes Cumulative
5 Supplement, 2006, as affected by Referendum 2006,
6 No. 422; to change provisions relating to learning
7 communities; to eliminate provisions relating to division
8 of Class V school districts; to harmonize provisions;
9 to repeal the original sections; and to outright repeal
10 section 79-4,130, Revised Statutes Cumulative Supplement,
11 2006.

12 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-102, Revised Statutes Cumulative
2 Supplement, 2006, as affected by Referendum 2006, No. 422, is
3 amended to read:

4 79-102 School districts in this state are classified as
5 follows:

6 (1) Class I includes any school district that maintains
7 only elementary grades under the direction of a single school
8 board;

9 (2) Class II includes any school district embracing
10 territory having a population of one thousand inhabitants or less
11 that maintains both elementary and high school grades under the
12 direction of a single school board;

13 (3) Class III includes any school district embracing
14 territory having a population of more than one thousand and less
15 than one hundred fifty thousand inhabitants that maintains both
16 elementary and high school grades under the direction of a single
17 school board;

18 (4) Class IV includes any school district embracing
19 territory having a population of one hundred thousand or more
20 inhabitants with a city of the primary class within the territory
21 of the district that maintains both elementary and high school
22 grades under the direction of a single school board;

23 (5) Class V includes any school district ~~whose employees~~
24 ~~participate in a retirement system established pursuant to the~~
25 ~~Class V School Employees Retirement Act and which embraces~~

1 embracing territory having a population of two hundred thousand
2 or more inhabitants with a city of the metropolitan class within
3 the territory of the district that maintains both elementary
4 grades and high school grades under the direction of a single
5 school board and any school district with territory in a city of
6 the metropolitan class created pursuant to the Learning Community
7 Reorganization Act and designated as a Class V school district in
8 the reorganization plan; and

9 (6) Class VI includes any school district in this state
10 that maintains only a high school, or a high school and grades
11 seven and eight or six through eight as provided in section 79-411,
12 under the direction of a single school board.

13 Sec. 2. Section 79-4,117, Revised Statutes Cumulative
14 Supplement, 2006, is amended to read:

15 79-4,117 Sections 79-4,117 to ~~79-4,130~~ 79-4,129 shall be
16 known and may be cited as the Learning Community Reorganization
17 Act.

18 Sec. 3. Section 79-4,121, Revised Statutes Cumulative
19 Supplement, 2006, is amended to read:

20 79-4,121 In the review of a plan for the reorganization
21 of school districts pursuant to the Learning Community
22 Reorganization Act, the state committee shall give due
23 consideration to (1) the educational needs of the learning
24 community, (2) economies in administration costs, (3) the
25 future use of existing satisfactory school buildings, sites,

1 and play fields, (4) the convenience and welfare of pupils, (5)
2 transportation requirements, (6) a reduction in the disparities in
3 concentrations of poverty students among affected school districts,
4 (7) the equalization of the educational opportunity of pupils,
5 ~~(7)~~ (8) the amount of outstanding indebtedness of each district
6 and proposed disposition thereof, ~~(8)~~ (9) the equitable adjustment
7 of all property, debts, and liabilities among the districts
8 involved, ~~(9)~~ (10) any additional statutory requirements for
9 learning community organization, and ~~(10)~~ (11) any other matters
10 which, in its judgment, are of importance. The learning community
11 coordinating council proposing the plan of reorganization, in
12 preparation or review of a plan for reorganization, shall take
13 into consideration any advice or suggestions offered by the state
14 committee.

15 Sec. 4. Section 79-4,122, Revised Statutes Cumulative
16 Supplement, 2006, is amended to read:

17 79-4,122 Before any plan of reorganization submitted
18 by a learning community coordinating council is completed or
19 approved by the state committee pursuant to the Learning Community
20 Reorganization Act, the state committee shall hold one or more
21 public hearings. At such hearings, the state committee shall hear
22 any and all persons interested with respect to the areas of
23 consideration listed in section 79-4,121. The state committee shall
24 keep a record of all hearings in the formulation or approval
25 of plans for the reorganization of school districts. Notice of

1 such public hearings of the state committee shall be given by
2 publication in a legal newspaper of general circulation in the
3 county or counties in which the affected districts are located at
4 least ten days prior to such hearing.

5 Sec. 5. Section 79-4,123, Revised Statutes Cumulative
6 Supplement, 2006, is amended to read:

7 79-4,123 After one or more public hearings have been
8 held, the state committee may approve a plan or plans of
9 reorganization pursuant to the Learning Community Reorganization
10 Act. Such plan shall contain:

11 (1) A description of the proposed boundaries of the
12 reorganized districts and a designation of the class for each
13 district;

14 (2) A summary of the reasons for each proposed change,
15 realignment, or adjustment of the boundaries which shall include,
16 but not be limited to, an explanation of how the plan complies with
17 any statutory requirements for learning community organization, and
18 an assurance that the plan does not increase the geographic size
19 of any school district that has more than twenty-five thousand
20 students, and a description of how the plan will reduce the
21 disparities in concentrations of poverty students among school
22 districts;

23 (3) A summary of the terms on which reorganization is to
24 be made between the reorganized districts. Such terms shall include
25 a provision for initial school board districts or wards within the

1 proposed district, which proposed initial school board districts
2 or wards shall be determined by the state committee taking into
3 consideration population and valuation, and a determination of the
4 terms of the board members first appointed to membership on the
5 board of the newly reorganized district;

6 (4) A statement of the findings with respect to the
7 location of schools, the utilization of existing buildings, the
8 construction of new buildings, and the transportation requirements
9 under the proposed plan of reorganization;

10 (5) A map showing the boundaries of established school
11 districts and the boundaries proposed under any plan or plans of
12 reorganization; and

13 (6) Such other matters as the state committee determines
14 proper to be included.

15 Sec. 6. Section 79-4,125, Revised Statutes Cumulative
16 Supplement, 2006, is amended to read:

17 79-4,125 ~~Except as provided in section 79-4,130, if~~ If
18 the state committee disapproves the plan pursuant to the Learning
19 Community Reorganization Act, it shall be considered a disapproved
20 plan and returned to the learning community coordinating council as
21 a disapproved plan.

22 Sec. 7. Section 79-4,126, Revised Statutes Cumulative
23 Supplement, 2006, is amended to read:

24 79-4,126 When a plan of reorganization or any part
25 thereof has been approved by the state committee pursuant to the

1 Learning Community Reorganization Act, it shall be designated as
2 the final approved plan and shall be returned to the learning
3 community coordinating council to be submitted to the school
4 boards of the affected school districts for approval or rejection
5 by such school boards within forty-five days. ~~7 except that~~
6 ~~reorganizations required pursuant to section 79-4,130 shall not~~
7 ~~require the approval of any school board and approval shall not be~~
8 ~~required by any school board for dissolutions required pursuant to~~
9 ~~section 79-2108.~~

10 Sec. 8. Section 79-4,128, Revised Statutes Cumulative
11 Supplement, 2006, is amended to read:

12 79-4,128 If the plan of reorganization is approved
13 by the state committee and the school board of each affected
14 school district, ~~if required,~~ pursuant to the Learning Community
15 Reorganization Act, the county clerk shall proceed to cause the
16 changes, realignment, and adjustment of districts to be carried out
17 as provided in the plan. The county clerk shall classify the school
18 districts according to the plan of reorganization. He or she shall
19 also file certificates with the county assessor, county treasurer,
20 and state committee showing the boundaries of the various districts
21 under the approved plan of reorganization.

22 Sec. 9. Original sections 79-4,117, 79-4,121, 79-4,122,
23 79-4,123, 79-4,125, 79-4,126, and 79-4,128, Revised Statutes
24 Cumulative Supplement, 2006, and section 79-102, Revised Statutes
25 Cumulative Supplement 2006, as affected by Referendum 2006, No.

1 422, are repealed.

2 Sec. 10. The following section is outright repealed:

3 Section 79-4,130, Revised Statutes Cumulative Supplement, 2006.